

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**KANA FARRELL, ORIANA LEE FARRELL,
as an individual and O.B.O. her minor children
HEZEKIAH FARRELL, II, KUSH FARRELL,
MAGNIFICENT FARRELL,
and GILBRALTAR FARRELL,**

Plaintiffs,

v.

No. 15-cv-1113 SMV/LAM

**TONY OFFICER DETAVIS, ANTHONY OFFICER LUNA,
ELIAS OFFICER MONTOYA, NEW MEXICO STATE
POLICE DEPARTMENT, and JOHN DOES 1–3,**

Defendants.

ORDER FOR SUPPLEMENTAL BRIEFING ON NMSPD’S IMMUNITY

THIS MATTER is before the Court sua sponte. Having reviewed the record, and being otherwise fully advised in the premises, the Court will order supplemental briefing on whether the New Mexico State Police Department (“NMSPD”) is immune from suit under § 1983 as an “arm of the state.” *See Conner v. Rodriguez*, No. 10-cv-0512 WJ/WDS (D.N.M. September 15, 2010), ECF. No. 20 (dismissing New Mexico Department of Safety because it was immune from suit under § 1983); *see also Sutton v. Utah State Sch. for Deaf and Blind*, 173 F.3d 1226, 1231 (10th Cir. 1999) (“Because the Eleventh Amendment defense has jurisdictional attributes, it may be raised at any point, including for the first time on appeal.”).

Defendant NMSPD and Plaintiffs’ supplemental briefing is due by **5:00 p.m. on Wednesday, August 24, 2016**. Each brief should not exceed 5 pages.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED further briefing on NMSPD's immunity under § 1983 shall be submitted as outlined above.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge